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DATE MAILED: 07/06/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,203	12/27/2000	Derek Augustus Samuel Ruths	H053854.0001US0 5298	
7590 07/06/2004			EXAMINER	
ROGER FULGHUM			KANG, INSUN	
BAKER BOTT	•		ART UNIT	PAPER NUMBER
910 LOUISIANA			ARTONII	FAFER NUMBER
ONE SHELL PLAZA			2124	
HOUSTON T	Y 77002			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/749,203	RUTHS ET AL.				
Office Action Summary	Examiner	Art Unit				
	Insun Kang	2124				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tir within the statutory minimum of thirty (30) day vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on <u>5/24/</u>	2001, 3/14/2001 and 12/27/2000	·.				
2a)☐ This action is <b>FINAL</b> . 2b)☒ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)  Claim(s) 52 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-52 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or Application Papers  9)  The specification is objected to by the Examine 10)  The drawing(s) filed on 24 May 2001 is/are: a)	r election requirement. r.	by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/14/01,5/24/01.	4)  Interview Summary Paper No(s)/Mail D 5)  Notice of Informal F 6)  Other:					

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#### **DETAILED ACTION**

1. This action is responding to application papers dated 5/24/2001, 3/14/2001 and 12/27/2000.

2. Claims 1-52 are pending in the application.

## Specification

3. The disclosure is objected to because of the following informalities: It contains terms with an initial capital letter such as "Behaviors" in abstract.

Appropriate correction is required.

### Claim Objections

4. Claims 2 and 4 are objected to because of the following informalities: Claim 2, 4: There appears to be a typographical error: "mapping private to the object" needs to be corrected. It is interpreted as "wherein...logics and ...mapping are private to the object." Appropriate correction is required.

## Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
- 6. Claims 1-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 1, 4, 8, 11, 30, 36, 40, 41 and 46, the term "adapted to" is unclear. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Correction is required.

Per claim 1, in line 13, it is unclear to which Behavior logic of the set of Behavior logics it is referring. It is interpreted as "the first Behavior logic."

Per claim 40, it is unclear to which shared environment in line 6 and behavior logic in line 19 they are referring. They are interpreted as "the shared environment" and the first Behavior logic"

Per claim 4, it is unclear to which behavior logic in line 6 it is referring. It is interpreted as "the shared environment" and the first Behavior logic"

Claims 1, 19, 40 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The claims do not recite the steps of mapping command and behavior. Therefore, it is unclear how the mapping is done. The claims also do not recite the steps of creating a shared environment.

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The claim does not recite the

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steps of configuring a command-receiver behavior logic. Therefore, it is unclear how the configuration is done.

As per claims 2, 3, 5-10, 12, 14-18, 20-32, 37-39, 41-45 and 47-52, these claims are rejected for dependency on the above rejected parent claims 1, 36, 40 and 46.

#### Claim Rejections - 35 USC § 101

- 7. 35 U.S.C. 101 reads as follows:
  - Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
- 8. Claims 36-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 36-39 are non-statutory because they are directed to a "method" without recitation of a computer or a computer-readable medium embodying the method in order to produce a "useful, concrete and tangible result." The claims merely recite a "method" that is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed steps of method for "designing an application... creating a plurality of objects... mapping... configuring" as recited.

Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

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#### Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 10. Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (US Patent 5,872,973) herein after referred to as "Mitchell."

#### Per claim 1:

#### Mitchell discloses:

- code to create a shared environment ("a visual programming environment supporting the specification of dynamic linkages (connections) of objects," col. 6 lines 38-40)
- a plurality of objects ("dynamic binding... in the objects being connected,"
   abstract)
- code to create an object ("The ability to instantiate objects," col. 3 lines 14)
- the object exposed to other objects in the shared environment ("dependencies created between the program's objects," col. 5 lines 62-67)

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a set of Behavior logics ("the functions that the object performs," col. 7 lines 5-12)

- each member of the set of Behavior logics adapted to cause the object to
   perform a task ("the functions that the object performs," col. 7 lines 5-12)
- a first Behavior logic, adapted to receive a Command from another object in the shared environment("dynamically link one or more of the members of one class to one or more of the members of another class...fully dynamic binding," col. 7 lines 45-57)
- the first Behavior logic invokable external to the object ("external object mapping," col. 11 lines 28-38),
- the first Behavior logic comprising: code to receive the Command ("select the new connection command," col. 12 lines 18-48)
- code to select a Behavior logic of the set of Behavior logics corresponding to the Command from a Command-Behavior mapping ("select the new connection command... mapping dialog a list of all the connections that can be used to map those two sets together" col. 12 lines 18-48)
- and code to execute the selected Behavior logic responsive to the Command (Dynamic binding ... during execution of the program an object can be manipulated using the names of its members," col. 29 lines 55-67)

#### Per claim 2:

as claimed.

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

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The set of Behavior logics and the Command-Behavior mapping private to the object ("mappers may only attach to private members in the context of an internal object mapping for the object itself Members," col. 25 lines 18-30) as claimed.

#### Per claim 3:

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

- the set of Behavior logics having no members ("non-member version," col. 11 lines 39-56) as claimed.

#### Per claim 4:

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

, the default Behavior logic private to the object (col. 25 lines 18-30)

- a default Behavior logic, adapted to cause the object to perform a default task ("default implementations," col. 28 lines 17-40)

code to execute the default Behavior logic responsive to the Command if no Behavior logic is selected by the code to select a Behavior logic corresponding to the Command

#### Per claim 5:

(col. 28 lines 17-40) as claimed.

The rejection of claim 1 is incorporated, and further, Mitchell teaches that the Command-Behavior mapping can cause the code to select a Behavior to select multiple Behaviors ("For those mappers that need to tie multiple members," col. 20 lines 28-48) as claimed.

#### Per claim 6:

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The rejection of claim 1 is incorporated, and further, Mitchell teaches: an authentication data, the authentication data providable to other objects for authenticating Commands received from the other objects by the code to receive the Command (col. 12 lines 19-47) as claimed.

Per claim 7:

The rejection of claim 6 is incorporated, and further, Mitchell teaches:

the authentication data, the Command-Behavior mapping restrictable responsive to the authentication data(col. 12 lines 19-47) as claimed.

Per claim 8:

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

- code to create a first Shadow of the object ("The proxy object is constructed with a connection object," col. 15 lines 51-67), the first Shadow of the object adapted to communicate with the object ("several proxy objects communicating with objects on the same machine," col. 16 lines 10-28), the first Shadow of the object being informed of changes to the object and the object being informed of changes to the first Shadow of the object ( col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Mitchell teaches:

- the first Shadow of the object is a copy of the object ("The proxy object is constructed with a connection object," col. 15 lines 51-67)

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Per claim 10:

The rejection of claim 8 is incorporated, and further, Mitchell teaches that the Command-Behavior mapping of the first Shadow of the object differs from the Command-Behavior mapping of the object (col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 11:

The rejection of claim 8 is incorporated, and further, Mitchell teaches:

- code to create a plurality of Shadows of the object adapted to communicate with the object and the first Shadow of the object ("several proxy objects communicating with objects on the same machine," col. 16 lines 10-28), the object and the first Shadow of the object being informed of changes to any of the plurality of Shadows of the object and each of the plurality of Shadows of the object being informed of changes to the object and changes to the first Shadow of the object ( col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 12:

The rejection of claim 8 is incorporated, and further, Mitchell teaches: code to promote the first Shadow of the object into a new object (col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 13:

The rejection of claim 12 is incorporated, and further, Mitchell teaches:

- code to create a plurality of Shadows of the object("several proxy objects communicating with objects on the same machine," col. 16 lines 10-28), wherein

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executing the code to promote the first Shadow of the object into a new object converts each of the plurality of Shadows of the object into a Shadow of the new object (col 15 lines 21-67; col 16 lines 1-26) as claimed.

#### Per claim 14:

The rejection of claim 12 is incorporated, and further, Mitchell teaches: a plurality of servers, the object on a first server of the plurality of servers, the first Shadow of the object on a second server of the plurality of servers; and code to manage the plurality of servers (col. 8 lines 33-41), executing the code to promote the first Shadow of the object to a new object if the first server experiences a predetermined condition ( col 15 lines 21-67; col 16 lines 1-26) as claimed.

#### Per claim 15:

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

- code to modify the Command-Behavior mapping to cause the code to select a
Behavior logic responsive to the Command to select a different Behavior logic of the set
of Behavior logics(col. 28 lines 17-40) as claimed.

#### Per claim 16:

The rejection of claim 1 is incorporated, and further, Mitchell teaches:

- a plurality of servers, the object having a location on one of the plurality of servers, the object acting independent of the location (col. 8 lines 33-41) as claimed.

#### Per claim 17:

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The rejection of claim 1 is incorporated, and further, Mitchell teaches code to create the Command-Behavior mapping from an external data source ("external object mapping," col. 11 lines 28-38),

Per claim 18:

The rejection of claim 1 is incorporated, and further, Mitchell teaches the software capable of using any networking protocol (col. 7 lines 1-12) as claimed.

Per claims 19-35, they are the method versions of claims 1-18, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-18 above.

Per claim 36:

Mitchell discloses:

- -creating a plurality of objects ("dynamic binding... in the objects being connected," abstract)
- each object of the plurality of objects adapted to receive and execute

Commands("select the new connection command," col. 12 lines 18-48)

- -each object exposed to each other object of the plurality of objects ("dependencies created between the program's objects," col. 5 lines 62-67)
- -creating a set of Behavior logics for an object("The ability to instantiate objects," col. 3 lines 14)

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-the set of Behavior logics capable of being an empty set ("non-member version," col.

11 lines 39-56; col. 16 lines 28-53)

-mapping members of a first set of Commands to members of the set of Behavior

logics("select the new connection command... mapping dialog a list of all the

connections that can be used to map those two sets together " col. 12 lines 18-48)

-mapping any Command not a member of the first set of Commands to a default

Behavior logic ("default implementations," col. 28 lines 17-40)

-configuring a Command-receiver Behavior logic to receive a Command and

-execute the Behavior logic corresponding to the Command (Dynamic binding ... during

execution of the program an object can be manipulated using the names of its

members," col. 29 lines 55-67)

as claimed.

Per claim 37:

The rejection of claim 36 is incorporated, and further, Mitchell teaches

- creating a Shadow of an object of the plurality of objects, the Shadow configured such

that sending a Command to the Shadow causes the object to act as if the Command

had been sent to the object (col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 38:

The rejection of claim 37 is incorporated, and further, Mitchell teaches

- each of the plurality of objects having a location on one of a plurality of servers, each

of the plurality of objects being independent of the location of each other of the plurality

of objects (col. 8 lines 33-41) as claimed.

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Per claim 39:

The rejection of claim 38 is incorporated, and further, Mitchell teaches

- a Shadow of each of the plurality of objects automatically created on each of the plurality of servers other than the server on which the object is located (col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claims 40-42, they are the processor-based system versions of claims 4 and 5, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 4 and 5 above.

Per claim 43:

The rejection of claim 40 is incorporated, and further, Mitchell teaches

- an input device coupled to the first processor, wherein a first object of the plurality of objects is coupled to the input device such that manipulation of the input device sends a Command from the first object to a second object of the plurality of objects without identifying the input device, the second object of the plurality of objects acting responsive to the Command independent of the nature of the input device (col. 26 lines 6-51) as claimed.

Per claim 44:

The rejection of claim 40 is incorporated, and further, Mitchell teaches

- an output device coupled to the first processor, wherein a first object of the plurality of objects is coupled to the input device such that a first object is capable of rendering a second object on the output device without identifying the output device to the second object (col. 26 lines 15-50) as claimed.

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Per claim 45:

The rejection of claim 40 is incorporated, and further, Mitchell teaches

-a second processor; a network, coupled to the first processor and the second

processor("Client/Server Networking, col. 5 lines 20-53); a second storage device

coupled to the second processor, the second storage device containing the software;

the software further comprising: code to connect the shared environment to the network

(col. 6 lines 38-40)

code to create a Shadow on the second processor of the object on the first processor, the Shadow and the object communicating with each other to inform the Shadow of changes to the object and the object of changes to the Shadow( col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 46:

Mitchell teaches:

-a distributed system ("Networking objects," col. 5 lines 55-67)

a plurality of shared environments, each of the plurality of shared environments executing on a different computer of the plurality of computers ("a visual programming environment supporting the specification of dynamic linkages (connections) of objects," col. 6 lines 38-40; "dynamic binding... in the objects being connected," abstract) a CommandReceiver class (Fig 1-3)

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a set of Behavior private methods, each member of the set of Behavior methods adapted to cause instantiations of the CommandReceiver class to perform a task(col. 12 lines 18-48)

- an executeCommand public method (col. 29 lines 55-67), adapted to receive a Command from an object in the shared environment (col. 6 lines 38-40), code to receive the Command; code to select a Behavior private method of the set of Behavior private methods selected corresponding to the Command from a Command-Behavior mapping ("select the new connection command...mapping dialog a list of all the connections that can be used to map those two sets together" col. 12 lines 18-48) and code to execute the selected Behavior private method; and a Kernel subclass of the CommandReceiver class, the Kernel class comprising: code to instantiate objects of the CommandReceiver class(Dynamic binding ... during execution of the program an object can be manipulated using the names of its members," col. 29 lines 55-67) code to destroy objects of the CommandReceiver class ("garbage collection," col. 17, lines 29-48) as claimed.

#### Per claim 47:

The rejection of claim 46 is incorporated, and further, Mitchell teaches

- a Pawn subclass of the CommandReceiver class, the Pawn subclass comprising: code to register an instantiation of a Pawn with a Kernel object of the Kernel subclass; code to determine whether an instantiation of the Pawn subclass is a real Pawn or a Shadow Pawn of a real Pawn, and code to send State information about an

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instantiation of the Pawn subclass, wherein Commands received by Shadow Pawns are sent to the real Pawn corresponding to the Shadow Pawn (col 15 lines 21-67; col 16 lines 1-26) as claimed.

Per claim 48:

The rejection of claim 46 is incorporated, and further, Mitchell teaches

- a ControlDevice subclass of the CommandReceiver class corresponding to an input device for receiving input from the input device and sending Commands to other CommandReceiver objects(col. 26 lines 15-50) as claimed

Per claim 49:

The rejection of claim 46 is incorporated, and further, Mitchell teaches

a Construct subclass of the CommandReceiver class corresponding to an output
device for rendering objects of the CommandReceiver class with graphical attributes

Per claim 50:

(col. 26 lines 15-50) as claimed.

The rejection of claim 46 is incorporated, and further, Mitchell teaches

- a Console subclass of the CommandReceiver class for allowing a user of the distributed system to instantiate, modify, and destroy objects, and for allowing a user to send Commands to CommandReceiver objects (col. 29 lines 55-67; col. 29 lines 55-67; "garbage collection," col. 17, lines 29-48) as claimed.

Per claim 51:

The rejection of claim 46 is incorporated, and further, Mitchell teaches

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-a Nengine subclass of the CommandReceiver class for serializing and deserializing CommandReceiver objects, transmitting and receiving the serialized CommandReceiver object across a network to a Nengine in another shared environment of the distributed system(col. 6 lines 38-40) as claimed.

Per claim 52:

The rejection of claim 51 is incorporated, and further, Mitchell teaches

-a Node subclass of the CommandReceiver class (col. 27 lines 18-28), an instantiation of the Node subclass corresponding to a Pawn object for representing the Pawn object to a Nengine object for communicating State information corresponding to a Pawn to Shadow Pawns of the Pawn and for communicating Commands sent to a Shadow Pawn to the real Pawn corresponding to the Shadow Pawn( col 15 lines 21-67; col 16 lines 1-26) as claimed.

11. Claims 1, 19, 36 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. (US Pub. 2003/0080989) hereinafter referred to as "Matsuda."

Per claim 1:

#### Matsuda discloses:

- code to create a shared environment ("shared virtual reality space," Fig 3;
   "shared object control table," Fig 7)
- a plurality of objects ("plural virtual reality life objects in a shared virtual reality space," pg. 8 par. 0149);

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- and code to create an object, the object exposed to other objects in the shared environment (page 11, par. 0187)

- the object comprising: a set of Behavior logics ("the autonomous behavior of a ... object... is provided with a communication control table," page 9 par. 0161),
- each member of the set of Behavior logics adapted to cause the object to
   perform a task ("the series of Behavior processing," page 5 par. 0084)
- a first Behavior logic, adapted to receive a Command from another object in the shared environment ("the received command," page 12 par. 0191),
- the first Behavior logic invokable external to the object ("external view," page 5 par. 0087)
- the first Behavior logic comprising: code to receive the Command("the received command," page 12 par. 0191)
- code to select a Behavior logic of the set of Behavior logics corresponding to the
   Command from a Command-Behavior mapping; ("The server interprets the
   received command by referencing this table," abstract)
- code to execute the selected Behavior logic responsive to the Command ("the
   Behavior capability is executed," page 4 par. 0081) as claimed.

#### Per claim 36:

#### Matsuda discloses:

- -creating a plurality of objects, each object of the plurality of objects adapted to receive and execute Commands (col. 2 par. 0017; page 3 par. 0053)
- -each object exposed to each other object of the plurality of objects(page 11, par. 0187)

-creating a set of Behavior logics for an object("the series of Behavior processing," page 5 par. 0084)

- -the set of Behavior logics capable of being an empty set (page 4 par. 0058)
- -mapping members of a first set of Commands to members of the set of Behavior logics (page 2 par. 0017)
- -mapping any Command not a member of the first set of Commands to a default Behavior logic (page 2 par. 0017)
- -configuring a Command-receiver Behavior logic to receive a Command and -execute the Behavior logic corresponding to the Command (page 3 par. 0053) as claimed.

Per claim 19, it is the method versions of claims 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

Per claim 40, it is the processor-based system versions of claims 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Insun Kang Patent Examiner 6/25/2004 Lareal " We.

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